

## CHAPTER NO. 872

## HOUSE BILL NO. 2688

**By Representatives Curtiss, Baird, Pleasant, Eldridge, Davidson, Coleman, Lynn, Black**

**Substituted for: Senate Bill No. 2617**

By Senators Crowe, Herron, Jackson, Ketron, McNally, Atchley, Burks, Crutchfield, Dixon, Graves, Trail, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Ford, Fowler, Harper, Haynes, Henry, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 9 and Section 49-7-102, relative to coordination of educational assistance benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following as a new section:  
§ 49-4-926.

(a) As used in this section, unless the context otherwise requires:

(1) "Dependent child" means a natural or adopted child of a service member whom such service member claimed as a dependent for federal income tax purposes; provided that such child is under twenty-one (21) years of age.

(2) "Member of the armed services" means a citizen of Tennessee who is a member of the armed forces of the United States, or a member of a reserve or Tennessee national guard unit who is called into active military service of the United States, as defined in § 58-1-102, and is stationed outside the United States during hostilities in which military personnel are entitled to combat compensation as determined by the United States department of defense.

(3) "Serving honorably" means the character of service condition as reported on certificate of release or discharge from active duty (department of defense form 214).

(b) Notwithstanding any provision of this part to the contrary, a student who is a dependent child or spouse of a member of the armed services who, while serving honorably, was killed in action, died as a direct result of injuries received from a service-connected, combat-related cause, or was officially reported as being either a prisoner of war or missing in action shall be eligible for a Tennessee HOPE scholarship, if the student meets the requirements of subdivisions (1)-(6) of § 49-4-904, subdivisions (a)(2) and (a)(3) of § 49-4-905, and subdivision (3) of § 49-4-907 and such student was a citizen of Tennessee at the time such member of the armed forces died, was imprisoned, or was reported missing in action.

(c) A student claiming eligibility under this section shall present the documentation required by § 49-7-102(b)(1).

(d)


(1) A student receiving a Tennessee HOPE scholarship under this section shall meet the requirements of § 49-4-911 to continue to receive the scholarship.

(2) A student who qualifies for a Tennessee HOPE scholarship under this section as a spouse of a member of the armed services shall apply for a scholarship and enroll in an eligible postsecondary institution within ten (10) years of the date of death, imprisonment, or report that such member of the armed service is missing in action. If such spouse remarries prior to the receipt of such scholarship, then such spouse's eligibility under this section shall terminate.

(e) If a student eligible for a Tennessee HOPE scholarship under this section attends an eligible public postsecondary institution and receives a waiver of tuition and fees under § 49-7-102, then, notwithstanding any provision of this part to the contrary, such scholarship may be used for the cost of room and board, which shall not exceed the maximum cost of room and board provided through the facilities of the eligible public postsecondary institution.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 21, 2004**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 8<sup>th</sup> day of June 2004**

  
PHIL BREDESEN, GOVERNOR